

# **Voluntary Partnership Agreement on Forest Law Enforcement, Governance and Trade (VPA-FLEGT) between Viet Nam and the European Union**

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## **FIRST MEETING OF THE JOINT IMPLEMENTATION COMMITTEE (JIC-1)**

**Ha Noi, 15 November, 2019**

### **SUMMARY MINUTES**

#### **Introduction**

1. The first meeting of the Joint Implementation Committee (JIC) to oversee implementation of the Voluntary Partnership Agreement on FLEGT between Viet Nam and the European Union (EU) took place in Ha Noi on 15 November, 2019. The JIC meeting was co-chaired by H.E. Mr Ha Cong Tuan, Standing Vice Minister of the Ministry of Agriculture and Rural Development (MARD) on behalf of Viet Nam, and H.E. Mr Giorgio Aliberti, Ambassador –of the European Union to Viet Nam on behalf of the EU.
2. On the Viet Nam side, the meeting was attended by representatives from the Ministry of Justice, the Ministry of Industry and Trade, the General Department of Customs, the Ministry of Agriculture and Rural Development and the Viet Nam Administration of Forestry (VNFOREST). On the EU side, the meeting was attended by representatives of the EU Delegation and the Directorate General on Environment of the European Commission, together with representatives of Member States in Viet Nam, including Finland and Germany, and the EU FLEGT Facility. The meeting was also attended by representatives from the Viet Nam Timber and Forest Products Association and the Centre for Rural Development, also representing the Multi Stakeholder Core Group. The list of participants is given in Annex 1.
3. The JIC heard reports and recommendations on technical and procedural matters from the Joint Expert Meeting (JEM) that was held on 12-13 November 2019.
4. The JIC also heard a report and recommendations from the 7<sup>th</sup> meeting of the Multi-Stakeholder Core Group that was held on 5 November 2019.

#### **Opening remarks**

5. Opening the meeting, the Vice Minister expressed a warm welcome to the new EU Ambassador, Mr Giorgio Aliberti, with wishes for a successful term of office in Viet Nam. The Vice Minister welcomed participants to the first meeting of the JIC. The Vice Minister noted that after eight years of negotiations which began in 2010, the Agreement was signed in Brussels in October 2018, since when it has continued to receive great attention and commitment from both parties. The EU Parliament gave consensus for ratification of the

Agreement in March 2019, and the Government of Vietnam also approved the Agreement through Resolution No.25 in 23 April 2019. Since then, and since the second Joint Preparation Committee meeting in March 2019, both sides have taken quick steps to complete the ratification process and proceed with implementation.

6. The EU Ambassador thanked the Vice Minister and welcomed the participants from both delegations. The Ambassador noted that this is now a key juncture in the relationship between Viet Nam and the EU, now that ratification of the VPA is completed, and the ratification process for the Free Trade Agreement (EVFTA) is underway. The Ambassador informed the JIC that a delegation of EU Parliament members recently visited Viet Nam to assess progress on the EVFTA. During that visit it was noted that the VPA is a good example of progress which also provides motivation for the EVFTA process.
7. The Ambassador noted that progress has been made during 2019 on preparation of a Decree which will be a crucial element for implementation of the VPA and the Timber Legality Assurance System (VNTLAS). This is one of a number of regulations to be developed to implement the VPA commitments. This work will lead eventually to an independent assessment of readiness; and there will be many areas to work together to ensure the alignment between the VPA and the regulations. The Ambassador stressed that it is important that this continues to be an inclusive process. He acknowledged that there is time pressure, which shows commitment, though it can be better to ensure that proper regulations are in place, for which sufficient time is needed. The legislative framework is one important aspect, but building capacity will also be important to make sure system is fully operational.
8. With regard to preparation of the VNTLAS Decree, the Vice Minister understood that the EU still has concerns on the Decree, and informed that he has asked the Ministry of Justice and others to take a deeper look at the draft to ensure consistency between the VPA and the national legislative framework. On another point of assurance, the Vice Minister noted that, following the closure of natural forest, there is strict management of natural forest timber in Viet Nam. Meanwhile the production of domestic plantation timber is expanding. New legislation on sustainable forest management has also recently been introduced. For these reasons, the VNTLAS Decree gives more attention to imported timber. The Decree also focuses on exports of all timber, imported and domestic. This Decree cannot cover all timber sources, which is why there are other regulatory documents that cover domestic sources.

### **Viet Nam Government VPA Implementation Plan**

9. The JIC was informed that a new Viet Nam Government VPA Implementation Plan has been prepared and was submitted to the Prime Minister for approval in October 2019. The Implementation Plan sets out the core tasks for Viet Nam to implement the VPA commitments and to establish the VNTLAS. The plan is also designed to align with the Joint Implementation Framework (JIF) that was endorsed by the parties at the first meeting of the Joint Preparation Committee in November 2017. The Vice Minister informed that it is a

national level plan, that sets out the roles of all concerned ministries, agencies and provinces in VPA implementation. It is expected the plan will be approved by the Prime Minister in the near future. The Vice Minister also requested other ministries and Multi Stakeholder Core Group members to take note of plan and to help ensure its effective implementation.

### **VPA Progress Monitoring Table for JEM/JIC**

10. The JIC considered a proposal for a monitoring table that can be used by the parties to monitor the progress of VPA implementation. The progress monitoring table links the tasks and actions identified in the Joint Implementation Framework with those in the new Government VPA Implementation Plan. The proposal for the progress monitoring table was **agreed** in principle, pending further reflection on the detailed format and contents. It is intended that the progress monitoring table will be fully developed before the next JIC meeting in mid-2020.

### **Rules of Procedure for the JIC**

11. The JIC was notified about the status of preparation of the Rules of Procedure for the JIC. Since the last meeting of the Joint Preparation Committee in March 2019, a final draft document of the Rules of Procedure has been completed. The EU side is waiting for endorsement of the Rules of Procedure from EU Council, which it is expected will be granted by early December 2019, following which the Rules of Procedure will be ready for adoption by the JIC. It was **agreed** that the JIC Co-chairs will adopt the Rules of Procedure via written approval, as soon as possible after endorsement on the EU side by the EU Council.

### **First Joint Annual Report**

12. The JIC considered and **agreed** on a proposal for the outline of contents, schedule and responsibilities for preparation of the first Joint Annual Report. The first report will cover the period from the date of ratification to end of the year (June to December 2019). Thereafter the reports will follow the calendar year. The main contents will be based on the requirements for the joint annual report as described in Section 4.2 of VPA Annex VIII. However, since this is the first report, it was agreed that the contents should be flexible and developed as needed. The first joint annual report will be completed and ready for publication by June 2020.

### **Framework for VPA Monitoring and Evaluation**

13. The JIC **agreed** to go ahead with an assignment to prepare a framework for VPA monitoring and evaluation. The Terms of Reference for this assignment were finalized through consultation with the Multi Stakeholder Core Group. It was agreed to submit the proposal to the EU FAO FLEGT Programme for funding. VNFOREST will manage the assignment, while technical inputs and guidance on developing the framework will be provided through the

Multi Stakeholder Core Group and Joint Expert Meeting. It is expected that the framework for VPA monitoring and evaluation will be ready by the third JIC meeting in November 2020.

### **Lessons and experience on VPA implementation from other countries**

14. In response to a suggestion made at a pre-meeting between the Vice Minister of MARD and the EU Ambassador on 8 November, a proposal was made for how relevant lessons and experience on VPA implementation from other VPA countries can be shared. The FLEGT Facility (EFI) will prepare a Briefing Note on the process, methods and lessons learned from the “Joint Assessment of Operational Readiness” that has been carried out in Indonesia and Ghana. The Briefing Note will be finished by December 2019, and can be discussed at the next JIC.

### **Report from the Multi Stakeholder Core Group**

15. A presentation on the activities and recommendations of the Multi Stakeholder Core Group (“Core Group”) was made by the Co-chair – Mr Ngo Sy Hoai, Deputy General Secretary of the Viet Nam Timber and Forest Products Association. Key activities of the Core Group in the preceding period have included: actively commenting on the draft VNTLAS Decree; supporting preparation of the Government’s VPA implementation plan, the action plan for communications and public disclosure of information, and Terms of Reference for the VPA monitoring and evaluation framework; and enhancing operations of the Core Group. The 6<sup>th</sup> Core Group meeting was organized in Da Nang on 6 July 2019 to discuss the draft VNTLAS Decree, following which synthesized comments were submitted to VNFOREST and the Editorial Board. Some Core Group members also arranged consultation meetings on the draft Decree for respective target groups, as well as submitting their own written comments. The 7<sup>th</sup> Core Group regular meeting was held in Hanoi on 5 November 2019. At this meeting, the next Co-chair was elected for the third term (from 1 January to 31 December 2020). The in-coming Co-chair is Mr Truong Quang Hoang, Director of the Centre for Rural Development, Hue University of Agriculture and Forestry. In this period three new members have also joined the Core Group, which brings the total number of members to thirty-eight.
16. At the 7<sup>th</sup> Core Group meeting on 5 November 2019, the Core Group members recommended five issues for consideration and endorsement by the JIC:
  - i) Recommendation to VNFOREST to continue to take into account the comments of the Core Group members on the draft VNTLAS Decree and the feedback mechanism.
  - ii) Proposal to endorse organizing a FLEGT Day as an annual forum event of the Core Group to update information, share experience, discuss and propose measures for effective enforcement of the VPA/FLEGT in Viet Nam; with the first FLEGT Day to coincide with the 75 year anniversary of the Viet Nam forestry sector in 2020.

- iii) Proposal to JIC to add Core Group members to participate in JEM and JIC meetings, in addition to the Core Group Co-chairs.
- iv) Recommendation to JIC to enhance the engagement of the Core Group in VPA/FLEGT monitoring and evaluation activities, especially reviewing the impact of the Agreement on target groups such as household timber growers, SMEs and industry villages.
- v) Recommendation to the parties to urgently publish a Q&A brochure on VPA/FLEGT for use by the Core Group members for advocacy purposes.

17. The JIC Co-chairs thanked the Core Group for its report and practical recommendations. In general the Co-chairs supported all the recommendations and will take them into account. On the FLEGT Day, the Vice Minister informed that the 75<sup>th</sup> Anniversary of the forestry sector will be an important high-profile event, so it is agreed that VNFOREST should work together with the Core Group to organise a thematic event on FLEGT. With regard to participation of additional Core Group members in JEM and JIC meetings, the EU noted that this is broadly in line with the JIC Rules of Procedure, and suggested the JIC could be attended by representatives from each of the main stakeholder groups in the Core Group, while participation in the JEM would be as required. The Vice Minister suggested that in addition the recommendations from the Core Group should be made available in advance to the JIC. It was also agreed that information materials on the VPA-FLEGT including the Q&A brochure are very much needed and should be completed as soon as possible.

### **Action plan for VPA communications and public disclosure of information**

18. The JIC was informed that baseline studies have been carried-out on (i) stakeholder information needs assessment, and (ii) assessment of the current situation of public disclosure of information by Viet Nam according to the VPA Annex VIII. Based on these two studies, the next step will be to prepare an action plan for VPA communications and public disclosure of information. This action plan will be developed together with concerned ministries and stakeholders at a workshop scheduled for December 2019, after which the draft action plan will also be shared with the EU for comments and inputs. It was **agreed** that, when finalized, the plan will be submitted to the JIC Co-chairs for written approval in the new year.

### **Draft VNTLAS Decree**

19. The JIC received a report from the Joint Expert Meeting (JEM) on the technical discussions on the draft VNTLAS Decree including the FLEGT licensing regulation. The JEM acknowledged the vast amount of work that has gone into preparation of the draft Decree, and that it has been collaborative process. It was agreed that a shared objective of the parties is to have a Decree that is as comprehensive as possible, and which will establish the basis for eventually conducting the joint assessment of readiness leading to commencement of the FLEGT licensing scheme. The parties were notified about the current status and schedule for

finalization and submission of the Decree to the Government for approval by the end of 2019. The Vice Minister informed that there is still opportunity for the EU to make additional comments and suggestions before the Decree is finalized for submission to the Government.

### **Roadmap for 2020**

20. The parties **agreed** on the Roadmap of priority actions for JEM/JIC in 2020 (see Annex 2).

### **Conclusions of the Meeting**

21. The Co-chairs summarized the JIC meeting with the following points:

- First, the good preparations for the JIC meeting by the Joint Expert Meeting were noted. The focal points from the EU Delegation and FLEGT Standing Office should draft the Minutes and look into the documents to follow-up any outstanding issues.
- Second, the parties can accept the proposals and recommendations on procedural matters from the Joint Expert Meeting. The JIC Rules of Procedure will be adopted as soon as possible through written exchange. Further consideration will be given by the Viet Nam side to the VPA progress monitoring table, which will be followed up in writing.
- Third, Viet Nam noted that any further comments from the EU or stakeholders on the draft VNTLAS Decree are welcome. Even though the Decree is in the final stages of appraisal, additional comments can still be taken into account up to the point it is submitted for approval. This is an opportunity to realize the VPA in a comprehensive way.
- Fourth, the feedback from the Stakeholder Core Group is welcomed, and the recommendations of the Core Group will be taken into account by the parties.
- Lastly, it was agreed that the parties should meet and communicate regularly to move the cooperation forward. It was also agreed that matters for approval and updating the Roadmap can be done through written exchange, without waiting for the next meeting.

### **Date of the next meeting**

22. The date of the second Joint Implementation Committee is scheduled for late May/early June 2020.

## Annex 1. List of participations

No.	Full name	Position	Organisation
<b>VIET NAM REPRESENTATIVES</b>			
1	H.E. Ha Cong Tuan	Standing Deputy Minister, MARD	Ministry of Agriculture and Rural Development (MARD)
2	Mr. Nguyen Quoc Tri	Director General	Vietnam Administration of Forestry (VNFOREST)
3	Mr. Pham Van Dien	Deputy Director General	Vietnam Administration of Forestry (VNFOREST)
4	Ms. Ha Thi Mung	Director	Department of Science, Technology and International cooperation, VNFOREST
5	Ms. Nguyen Tuong Van	Deputy Director	Department of Science, Technology and International cooperation, VNFOREST
6	Ms. Ha Thi Tuyet Nga	Director	CITES Management Authority, VNFOREST
7	Mr. Do Quang Tung	Acting Director	Department of Forest Production Development
8	Mr. Nguyen Anh Minh	Deputy Director General	Department of International cooperation, MARD
9	Ms. Nguyen Thi Nhung	Officer	Department of International Laws, Ministry of Justice
10	Mr. Do Viet Tung	Head of Division	Ministry of Industry and Trade
11	Ms. Dinh Thi Sao Mai	Officer	General Department of Customs
12	Ms. Do Thi Huong	Officer	Legislation Department, MARD
13	Mr. Dang Quang Huy	Officer	Department of International cooperation, MARD
14	Mr. Luu Tien Dat	Officer	Department of Science, Technology and International cooperation, VNFOREST
15	Mr. Duong Danh Cong	Officer	Department of Forest Production Development, VNFOREST
16	Mr. Nguyen Hong Hai	Officer	Department of Legislation and Inspection, VNFOREST

17	Mr. Ngo Si Hoai	Deputy Secretary General, Co-chair Core group (term 2)	Vietnam Timber and Forest Product Association
18	Mr. Truong Quang Hoang	Director, Co-chair Core group (term 3)	Center for Rural Development in Central Viet Nam
<b>EU REPRESENTATIVES</b>			
1	H.E Giorgio Aliberti	EU Ambassador to Vietnam	EU Delegation
2	Mr. Tom Corrie	Deputy Head of Cooperation	EU Delegation
3	Ms. Dørte Pardo López	Policy Officer, Coordination of EU-VN VPA	DG Environment, European Commission
4	Mr. Hoang Thanh	Programme Manager, Focal point of EU-VN VPA in Vietnam	EU Delegation
5	Helene Paust	First Secretary, Deputy Head of Development Cooperation	German Embassy
6	Ms. Anja Barth	Technical Adviser	GIZ Vietnam
7	Ms. Le Thi Thu Huong	Development Coordinator	Finland Embassy
8	Mr. Tim Dawson	FLEGT Team Leader	EU FLEGT Facility, European Forest Institute
<b>SUPPORT TEAM</b>			
1	Mr. Edwin Shanks	VPA Facilitator	
2	Mr. Duong Quoc Hung	FLEGT Assistant	
3	Ms. Luong Thi Phuong	Officer	Standing Office for FLEGT and Lacey Act, VNFOREST
4	Ms. Pham Minh Thu	Officer	Standing Office for FLEGT and Lacey Act, VNFOREST

## Annex 2. Roadmap for 2020

No	Action	Responsibility	Schedule												Status and comments		
			2019		2020												
			11	12	1	2	3	4	5	6	7	8	9	10		11	12
<b>1</b>	<b>JIC Meetings</b>																
	Second JEM/JIC (as per Agreement – two JIC meetings in first two years after establishment)								X	X							Second JIC proposed end of May or early June 2020
	Third JEM/JIC														X		
<b>2</b>	<b>Adoption of JIC Rules of Procedure (RoP)</b>																
	Cross-check Vietnamese language version by email exchange	FLEGT-SO + DG-ENV	X														As soon as possible
	Expected endorsement by EU Council	EU	X														Expected by early December
	Submit Decision on adoption to JIC co-chairs for signing	MARD + EU-DEL		X													As soon as possible
	Adoption through written procedure	MARD + EU-DEL		X													As soon as possible
<b>3</b>	<b>Development of VPA Progress Monitoring Table for JIC</b>																
	Complete monitoring table based on guidance from JEM/JIC	Facilitator + Focal points		X													By end December
	Present updates of monitoring table to JIC	JEM, Facilitator + Focal points					X	X							X		
<b>4</b>	<b>Preparation of First Joint Annual Report</b>																
	Share detailed list of contents and information inputs needed	Facilitator + Focal points		X													By 20 December

No	Action	Responsibility	Schedule												Status and comments		
			2019		2020												
			11	12	1	2	3	4	5	6	7	8	9	10		11	12
	Complete draft contents	Facilitator + Focal points + DG-ENV et al., as needed					X										By 13 March
	Translation and editing						X										By 17 April
	Review and agree final contents	JEM/JIC						X	X								By 15 May
	Publishing	JIC							X								By early June
<b>5</b>	<b>Preparation of VPA arbitration procedure</b>																
	VN to review draft and respond with any proposed adjustments	VNFOREST + relevant ministries		X													Note: 1 <sup>ST</sup> draft arbitration procedure shared by DG-ENV in June 2019
	Follow-up steps to be determined	Facilitator + Focal points + DG Env			X												
	Present/submit arbitration procedure to JIC	Focal Points, JEM					X										
<b>6</b>	<b>Plan for VPA communications and public disclosure</b>																
	Workshop with ministries and stakeholders to develop plan	VNFOREST, stakeholders		X													
	Share draft action plan with EU for comments and inputs	FLEGT-SO, EU			X												
	Submit final plan to JIC co-chairs for approval	FLEGT-SO, JIC					X										
	Adoption through written exchange before or in JIC	MARD + EU-DEL															
<b>7</b>	<b>Assignment to prepare M&amp;E Framework</b>																

No	Action	Responsibility	Schedule												Status and comments		
			2019		2020												
			11	12	1	2	3	4	5	6	7	8	9	10		11	12
	Prepare concept note to submit to FAO EU FLEGT Program	FLEGT-SO + Facilitator		X													
	Recruit consultants																
	Conduct the assignment																
	Present to CG																
	Present to JEM/JIC														X		
<b>8</b>	<b>Table of VPA comparison table</b>																
	Identify sources and resources for assistance		X														
	Secure financial support				X												
	1 <sup>st</sup> draft of the table left column format					X											
	1 <sup>st</sup> draft of the complete table							X									
	Present to JEM/JIC							X	X								